

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
**BOX PATENT APPLICATION**  
Washington, D.C. 20231

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: **James J. BANCROFT**

For: **MOUTHGUARD**

1. This is a new ☒ **Utility** ☐ **Design** ☐ **Plant** patent application.

2. The papers enclosed to obtain a filing date are as follows:

14 Pages of Specification including

1 Title Page

5 Pages of Claims

1 Page of Abstract

2 Sheets of drawings containing 6 Figures

☐ The enclosed drawing(s) are photograph(s), and there is also attached a  
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

☒ Enclosed and is executed by all inventors.

☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).  
Applicant(s) await notification from the Patent and Trademark Office of the  
time set for filing the Declaration and paying the filing fees.

## 4. Language

☒ English☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

## 5. Assignment

☒ An assignment of the invention to Total Gard Corporation and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☐ An assignment will be filed at a later date.

## 6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copy: ☐ is attached. ☐ will follow.

## 7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

Application No.	Filed

## A. Relate Back - 35 U.S.C. §119(e)

☐ Amend the specification by inserting before the first line the sentence:  
 "This application claims priority of copending provisional application(s)  
 No. \_\_\_\_\_ filed on \_\_\_\_\_."

8.

☒ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

9. Fee Calculation (37 C.F.R. §1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$740.00 Design \$330.00
Total Claims (37 C.F.R. §1.16(c))	26	6	\$ 18.00 each	+ \$108.00
Independent Claims (37 C.F.R. §1.16(b))	3	0	\$ 84.00 each	+
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			\$280.00	+
SUB-TOTAL =				\$848.00
Reduction by 1/2 for filing by a small entity				- \$424.00
TOTAL FILING FEE =				<b>\$424.00</b>

10. Fee Payment

☐ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ Enclosed.  
A check in the amount of \$ 464.00 representing the filing fee of \$370.00, additional claims fee of \$54.00 and Assignment Recordation fee of \$40.00 is enclosed.

11. ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is

intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

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12. Additional papers enclosed:

- ☒ Statement Claiming Small Entity Status
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 14 document as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

**Please accord this application an application number and filing date.**

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 14, 2001

By:



Eric J. Maurer

Reg. No. 43,782

**Customer No. 009629**

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**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Total Gard Corporation, a New Jersey corporation, certifies that it is:

1.     ☒     an assignee of the entire right, title, and interest; or
2.     ☐     an assignee of an undivided part interest

in the application identified above by virtue of:

A.     Assignments from the inventor(s) of the application identified above. The  
        assignments were executed as follows:

FROM	TO	REEL/FRAME NO.
James J. Bancroft	Total Gard Corporation 175 Cedar Lane Suite 1 Teaneck, NJ 07666	Copy of Assignment attached hereto

The undersigned (whose title is supplied below) is empowered to sign this certificate on  
behalf of the Assignee.

Total Gard Corporation  
175 Cedar Lane  
Suite 1  
Teaneck, NJ 07666

Dated: 12/13/01

By: 

Printed Name: James J. Bancroft

Title: President